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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,344	05/30/2001	Tomoyuki Seki	5077-000052	8478

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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

HARPER, HOLLY R

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/870,344

Applicant(s)

SEKI ET AL.

Examiner

Holly R. Harper

Art Unit

2879

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached explanation.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 11-16

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

DETAILED ACTION

Response to Amendment

The applicant's amendment, filed on 8/7/2003, has been entered and acknowledged by the Examiner.

Claim 11 has been amended. The amendment only changed a grammatical error and did not add any new limitations.

Response to Arguments

Arguments are not found persuasive.

Regarding applicants claim that the last office action, paper number 7, changed the rejection used for claim 11 but was not necessitated by amendment, the Examiner respectfully disagrees. The first office action, paper number 5, contained a typographical error. Claims 6, 11, and 12 were rejected under Kawashima (USPN 6,294,870) in view of Seki (USPN 6,084,352) in further view of Shimizu (USPN 5,996,250). However, the Shimizu reference was only used in the rejection of claim 12. The body of the rejection for the rejections of claims 6 and 11 only utilized Kawashima in view of Seki. Only the typographical error was changed in the last office action, paper number 7. The body of the rejection was never altered. A new rejection using Seki in view of Kawashima was added to address the claims 13, 14, and 15, which had been dependents of a base claim, rejected by Seki.

Regarding applicants claim that neither Seki, Kawashima, Shimizu, nor the combination of the references specifically disclose a temperature focus region, the examiner respectfully

agrees. However, the temperature focus region is inherent to all discharge lamps using a reflecting mirror and provides no structural limitations. Therefore, even though none of the references explicitly state the presence of a temperature focus region, it is present in all lamps that utilize a reflecting mirror.

Regarding applicants claim that a discovery of a new problem and a solution to that problem has been discovered and claimed and is therefore novel, the examiner respectfully agrees. However, all discharge lamps with a reflecting mirror have the problem of a temperature focus region. Although not necessarily for the same reasons, the structural limitations disclosed in the Seki reference produce the same results as the applicant's claim. In both cases the sealing portion is moved further from the light emitting portion and therefore out of the temperature focus region.

Regarding applicants claim that there is insufficient motivation to combine the references, the examiner respectfully disagrees. Seki discloses a high pressure discharge lamp. Kawashima discloses a high pressure discharge lamp used with a reflecting mirror in an optical system. The Seki reference discloses features that improve the quality of the discharge lamp, such as to help decrease the amount of foil being oxidized. The Kawashima reference discloses that a reflecting mirror helps to prevent or minimize scattering of glass in case of breakage and to facilitate the maintenance of the lamp.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper
Patent Examiner
Art Unit 2879



NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800